

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

INDIRECT PURCHASER PLAINTIFFS,	§	
	§	
<i>Movant,</i>	§	
	§	Civil Action No. 3:16-MC-0001-B
v.	§	
	§	
ALLIED ELECTRONIC, INC.,	§	
	§	
<i>Respondent.</i>	§	

**RESPONDENT ALLIED ELECTRONICS, INC.'S OPPOSED MOTION TO EXTEND
TIME TO CONDUCT CONFERENCE AND FILE JOINT SUBMISSION**

Pursuant to Federal Rules of Civil Procedure 16(b)(4) and Local Rule 7.1, Respondent Allied Electronic, Inc. (“Allied”) respectfully seeks an extension of time to February 1, 2016, to participate in a face-to-face conference and file a Joint Submission as follows:

1. The present action is a limited action by which Movant Indirect Purchaser Plaintiffs (“Movant”) seeks to compel compliance with a third-party subpoena issued in a class-action antitrust case currently pending in the United States District Court for the Northern District of California. Upon resolution of Movant’s motion to compel, the current action before this Court will terminate.

2. In its January 6, 2016, Order, the Court instructed the parties to confer face-to-face as to the substance of Movant’s subpoena on or before January 18, 2016, and to submit a Joint Submission by 5:00 on January 18.

3. Counsel for Allied was not informed of the Court’s Order until after 7:00 PM on January 7. By that time, it was impossible to schedule such a meeting within the time set forth by the Court, in particular because the Court requires that Allied provide authorities supporting

its positions on each disputed discovery request or objection. This requirement will necessarily require some research and drafting of a position statement.

4. Scheduling the face-to-face conference, moreover, is complicated by the parties' calendars. Counsel for Allied has several court-imposed pending deadlines that conflict with the requirement that a face-to-face conference be held, and a Joint Submission filed, by January 18, 2016. Specifically, Allied's counsel faces the following deadlines in other matters:

- Objections to third party subpoena January 15, 2016—*Hannah Reef, Inc. v. Sustainable Texas Oyster Resource Management, LLC*, Cause No. 15-CV-00772 in the District Court for the 56th Judicial District, Galveston County, Texas.
- Appellee's brief due on January 20, 2016—*City of Dallas v. Sabine River Authority*, No. 03-15-00371-CV in the Court of Appeals for the Third District of Texas.
- Appellant's brief due on January 22, 2016—*Chambers-Liberty Counties Navigation District v. State of Texas*, No. 03-15-00744-CV in the Court of Appeals for the Third District of Texas.

In addition, counsel for Allied must attend a client's time-sensitive board of directors meeting on January 21, 2016, to inform the board as to the course of litigation and a settlement offer and seek approval for the proposed settlement.

5. Separately, the Allied representative most informed about Allied's document retention policies and systems is unavailable until January 19, owing to pre-existing appointments. Therefore, the soonest Allied can participate in a face-to-face conference in Dallas would be January 28 or 29, 2016. In order to prepare the Joint Submission after the conference, Allied proposes that the Court extend the deadline for the Joint Submission to February 1, 2016. This extension is not sought for purposes of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Respondent Allied Electronics, Inc. respectfully prays the Court to extend time to conduct a face-to-face conference and file a Joint Submission as outlined in the Court's January 6, 2016, Order to February 1, 2016 at 5:00 PM CST.

Respectfully submitted,

/s/ James F. Parker, III

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ATTORNEY FOR RESPONDENT
ALLIED ELECTRONICS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2016, I caused a true and correct copy of the foregoing to be transmitted by the Court's electronic filing system to the parties listed below:

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/s/ James F. Parker, III
JAMES F. PARKER, III

CERTIFICATE OF CONFERENCE

I hereby certify that on January 8, 2016, I conferred with counsel for the Movant Indirect Purchaser Plaintiffs, Adam J. Zapala, concerning the substance of the foregoing Motion. Mr. Zapala expressed his opposition to the relief sought in the foregoing Motion, and the matter is therefore submitted to the Court for determination.

/s/ James F. Parker, III
JAMES F. PARKER, III